

REFERENCE TITLE: private prisoners; transfer

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1547

Introduced by
Senator Brotherton; Representative Burges

AN ACT

AMENDING SECTIONS 41-1683 AND 41-1830.31, ARIZONA REVISED STATUTES; RELATING TO PRIVATE PRISONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1683, Arizona Revised Statutes, is amended to
3 read:

4 41-1683. Prisoner identification: notice of transfers: civil
5 penalties

6 A. Private prisons shall maintain CURRENT photographs and fingerprints
7 on site of all prisoners WHO ARE incarcerated in ~~the facility~~ PRIVATE PRISON
8 FACILITIES.

9 B. Before another state transfers prisoners to a private prison in
10 this state, OR RETURNS PRISONERS TO THE STATE WHERE THE PRISONER WAS
11 SENTENCED, the private prison housing prisoners under incarceration orders
12 from a court of another state shall provide the governor, the director of the
13 department of public safety and the director of the state department of
14 corrections with the following information:

- 15 1. The number of prisoners to be transferred.
- 16 2. The names of the prisoners to be transferred.
- 17 3. The date of the transfer.

18 4. The security level of each prisoner to be transferred, as
19 determined by the sentencing state, AND OF ANY CHANGE IN THAT PRISONER'S
20 SECURITY LEVEL AFTER TRANSFER TO THIS STATE.

21 C. A PRIVATE PRISON SHALL NOT TRANSFER A PRISONER INTO THIS STATE WHO:

22 1. WAS CONVICTED OF AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT
23 IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF AN
24 OFFENSE UNDER TITLE 13, CHAPTER 11 OR 14.

25 2. HAS A HISTORY OF ESCAPE.

26 3. ASSAULTED A PEACE OFFICER OR CORRECTIONAL SERVICE OFFICER.

27 4. IS CURRENTLY INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS,
28 HEPATITIS A, B OR C OR TUBERCULOSIS.

29 E. D. If ~~one to~~ ten OR FEWER prisoners are transferred into this
30 state, the private prison shall comply with the notification requirements in
31 subsection B at least forty-eight hours before the prisoners arrive in this
32 state. If eleven or more prisoners are transferred into this state, the
33 private prison shall comply with the notification requirements pursuant to
34 subsection B at least seven days before the prisoners arrive in this state.

35 E. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS MAY IMPOSE
36 CIVIL PENALTIES ON A PRIVATE PRISON THAT:

37 1. FAILS TO TIMELY PROVIDE THE NOTICE REQUIRED BY SUBSECTION B.
38 2. TRANSFERS A PRISONER TO A PRIVATE PRISON IN THIS STATE IN VIOLATION
39 OF SUBSECTION C.

40 D. F. The information provided pursuant to subsection B, paragraphs
41 2, 3 and 4 ~~shall~~ IS not be A public record until the transfer of the
42 prisoners ~~is~~ HAS BEEN completed.

1 Sec. 2. Section 41-1830.31, Arizona Revised Statutes, is amended to
2 read:

3 41-1830.31. Private prison escapee fund: monies: uses: lapsing:
4 definitions

5 A. A private prison escapee fund is established for the purposes of
6 providing monies to cover capture costs associated with escapees or
7 liabilities that the state may incur. The fund consists of the monies
8 deposited pursuant to subsection B of this section and section 41-1682,
9 subsection B, paragraph 1. The director of the department of administration
10 shall administer the fund.

11 B. ~~All~~ A private ~~prisons~~ PRISON shall pay a penalty to the director of
12 the department of administration for the capture costs of an escapee in the
13 amount of ten thousand dollars per escapee or the actual capture costs per
14 escapee, whichever is more. The director of the department of administration
15 shall deposit the monies received from the private prison into the private
16 prison escapee fund.

17 C. Fund monies shall be used to reimburse law enforcement agencies of
18 this state for the costs incurred by them in capturing prisoners who escape
19 from private prisons.

20 D. A detailed account of the costs incurred in capturing escapees
21 shall be submitted to the director of the department of public safety and
22 reimbursed on approval by the director.

23 E. Monies in the private prison escapee fund do not revert to the
24 state general fund. The monies in the fund are a continuing appropriation to
25 the director of the department of administration for the purposes prescribed
26 in this section.

27 F. The director of the department of administration shall reimburse
28 monies deposited in the fund by private prisons as prescribed by section
29 41-1682, subsection B, paragraph 1 after receiving notification from the
30 director of the ~~state~~ department of public safety to reimburse the monies.

31 G. For the purposes of this section:

32 1. "Escapee" means a prisoner who leaves a private prison facility
33 without lawful authorization and whose leaving requires law enforcement
34 personnel to undertake actions to capture the prisoner.

35 2. "Private prison" means any privately owned prison that does not
36 contract exclusively with the state department of corrections and ~~THAT~~ is
37 primarily directed at housing adult prisoners who are sentenced to serve a
38 term of detention or incarceration by a court from a state other than this
39 state.